

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

OPERATING ENGINEERS' LOCAL 324 PENSION
FUND, OPERATING ENGINEERS' LOCAL 324 HEALTH
CARE PLAN, OPERATING ENGINEERS' LOCAL
324 VACATION & HOLIDAY FUND, OPERATING
ENGINEERS' LOCAL 324 RETIREE BENEFIT FUND,
OPERATING ENGINEERS' LOCAL 324 APPRENTICESHIP
FUND, and OPERATING ENGINEERS' LOCAL 324
DEFINED CONTRIBUTION PLAN,
Trust Funds Established and Administered
Pursuant to Federal Law,

Plaintiffs,

vs.

Case No. 08-cv-13158
Hon.: Patrick J. Duggan

WEST MICHIGAN EARTH MANAGEMENT, LLC
A Michigan Limited Liability Company,
SOUTHWESTERN MICHIGAN DUST CONTROL,
INC., a Michigan Corporation, CAROL PAGE,
and LEW BARRON PAGE, Individually.

Defendants.

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STIPULATION AND ORDER OF DISMISSAL

This matter having come before the Court upon stipulation of the parties through their respective attorneys' signatures below, to dismiss this action, and the Court being otherwise fully advised in the premises;

IT IS HEREBY ORDERED that Case No. 08-cv-13158 is hereby dismissed without prejudice and without costs subject to and based on the conditions of a Settlement Agreement

entered into between the parties, which are hereby adopted by reference as if fully set forth herein.

s/Patrick J. Duggan
Patrick J. Duggan
United States District Judge

Dated: August 3, 2009

I hereby certify that a copy of the foregoing document was served upon counsel of record on August 3, 2009 ,by electronic and/or ordinary mail.

s/Marilyn Orem
Case Manager

APPROVED AS TO FORM AND CONTENT:

s/David J. Selwocki
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